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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 F.L.B., et al.,

8 Plaintiffs,

9 v.

10 LORETTA E. LYNCH, et al.,

11 Defendants.

C14-1026 TSZ

MINUTE ORDER

12 The following Minute Order is made by direction of the Court, the Honorable
13 Thomas S. Zilly, United States District Judge:

14 (1) Plaintiffs' fourth motion to certify class, docket no. 230, is RENOTED to
15 May 20, 2016. The Court tentatively certifies the following class and subclasses:

16 Tentative Class: All individuals under the age of eighteen (18) who are
17 (1) in removal proceedings, as defined in 8 U.S.C. § 1229a,¹ on or after
18 July 9, 2014, within the boundaries of the Ninth Judicial Circuit,
19 (2) without legal representation, meaning (a) an attorney, (b) a law student
20 or law graduate directly supervised by an attorney or an accredited
21 representative, or (c) an accredited representative, all as defined in 8 C.F.R.
22 § 1292.1, (3) financially unable to obtain such legal representation, and
23 (4) potentially eligible for asylum under 8 U.S.C. § 1158, withholding of
removal under 8 U.S.C. § 1231(b)(3), or protection under the Convention
Against Torture, or potentially able to make a claim of United States
citizenship.

¹ Plaintiffs do not pursue a right-to-counsel claim on behalf of any juvenile aliens who are in "expedited removal" proceedings, and this Tentative Class definition excludes any minor who (i) qualifies as an "applicant for admission" as defined in 8 U.S.C. § 1225(a)(1), (ii) has not been paroled into the United States pursuant to 8 U.S.C. § 1182(d)(5), and (iii) satisfies the other criteria for "expedited removal."

Tentative Subclass 1: All individuals in the Class who are under the age of fourteen (14).

Tentative Subclass 2a: All individuals in the Class who were not admitted to the United States and are alleged to be “inadmissible” under 8 U.S.C. § 1182.

Tentative Subclass 2b: All individuals in the Class who were admitted to the United States and are alleged to be “deportable” under 8 U.S.C. § 1227.

Tentative Subclass 3: All individuals in the Class whose removal proceedings are consolidated with those of at least one parent or legal guardian.

Tentative Subclass 4: All individuals in the Class who qualify as an “unaccompanied alien child” as defined in 6 U.S.C. § 279(g)(2).

The parties are DIRECTED to file, on or before May 6, 2016, supplemental briefs, not to exceed twelve (12) pages in length, regarding whether the Tentative Class and the Tentative Subclasses would satisfy the criteria of Federal Rules of Civil Procedure 23(a) & (b)(2). The parties shall also address how notice should be provided to class members if the Tentative Class is certified. *See* Fed. R. Civ. P. 23(c)(2)(A). Any responses to the supplemental briefs, which likewise shall not exceed twelve (12) pages in length, shall be filed by May 20, 2016.

(2) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

DATED this 18th day of April, 2016.

William M. McCool
Clerk

s/Karen Dews
Deputy Clerk